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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,551	12/20/2000	Michael Frendo	CSCO-70364	8936
7590	04/19/2006		EXAMINER	KE, PENG
WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/742,551	FRENDO ET AL.	
	Examiner Peng Ke	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-11, 13 and 44-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8-11, 13, and 44-53 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 1/20/06.

This action is made Final.

Claims 8-11, 13, and 44-53 are pending in this application. Claims 8, 44, and 49 are independent claims. In the Amendment, filed on 1/20/06, claims 8, 44, and 49 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, 13, and 44-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunkel (US 6,477,579) further in view of Lemmons et al. (US 2002/0034980).

As per claim 8, Kunkel teaches in a server computer system communicatively coupled to the Internet, a method for providing a user with Web-based information associated with program content viewable on a television, said method comprising:

a) receiving information at said server computer system via the Internet, (col. 2, lines 24-42) said information for a channel on which program content (col. 2, lines 43-62) is being received by a television from a broadcaster wherein said broadcaster does not provide Uniform Resource Locators (URLs) corresponding to said program content, said channel number identified by a set top box coupled to said television and to the Internet; (column 2, lines 67-column 3, lines 19)

b) said server computer system identifying a set of Uniform Resource Locators (URLs) for Web sites associated with said program content (col. 5, lines 57-68); and

c) communicating one or more of said URLs from said server computer system to a computer system that is communicatively coupled to said server computer system via the Internet, wherein said server computer system uses information in a user profile to screen said set of URLs and to select from said set of URLs said one or more URLs that are communicated to said computer system; (col. 2, lines 43-62)

wherein said one or more URLs are stored at said computer system separately from said program content such that said one or more URLs are retrievable from said computer system without accessing said program content, wherein said identifying and communicating are performed automatically without user intervention; (col. 2, lines 43-62) and

wherein said program content is displayed on said television and Web-based information associated with said set of URLs is retrieved and displayed separately on said computer system.

However Kunkel fails to teach a channel number that is sent to said server computer system from said set top box.

Lemmons et al. teaches a channel number that is sent to said server computer system from said set top box. (paragraph 0042; It is inherent that the channel number is used to identify the reverse channels)

It would have been obvious to an artisan at the time of the invention to include Lemmons' teaching with the method of Kunkel in order to provide users with ability to play game over the cable system.

As per claim 9, Kunkel and Lemmons teach the method as recited in Claim 8.

Kunkel further teaches wherein said step b) further comprises:

b) said server computer system selecting from said set of URLs a subset of URLs of particular interest to a user. (col. 8, lines 40-60; It is inherently user specific because each user's programming choice is unique.)

As per claim 10, Kunkel and Lemmons teach the method as recited in Claim 9.

Kunkel further teaches wherein said step b1) comprises said server computer system:

comparing characteristics describing each URL in said set of URLs with user-specified characteristics in said user profile;(column 5, lines 27-column 6,lines 24; It is inherently user specific because each user's programming choice is unique)

identifying a subset of said set of URLs, said subset satisfying said user-specified characteristics; and (col. 13, lines 1-38)

storing said subset of URLs but not the entire said set of URLs. (col. 20, lines 46-56)

As per claim 11 Kunkel and Lemmon teach the method as recited in Claim 10 further comprising:

monitoring URLs selected by said user; (col. 19, lines 9-29) and

adding characteristics describing said URLs selected by said user to said user profile. (col. 20, lines 46-56)

As per claim 13, Kunkel and Lemmon teach the method as recited in Claim 8, Lemmons further teaches wherein said one or more URLs are communicated from said server computer system to said computer system via said set top box. (col. 5, lines 7-32)

As per claim 44 and 49 rejected with the same rationale as claim 8. Supra.

As per claim 45 and 50 are of the same scope as claim 9. Supra.

As per claim 46 and 51 are of the same scope as claim 10. Supra.

As per claim 47 and 52 are of the same scope as claim 11. Supra.

As per claim 48 and 53 are of the same scope as claim 13. Supra.

Response to Argument

Applicant's arguments filed on 1/20/06 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

1) Kunkel fails to teach "wherein said receiving, identifying and communicating are performed automatically without user intervention."

2) Kunkel fails to teach a user profile that resides on the server computer.

Examiner disagrees:

1) The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Kunkel teaches this limitation because the initial display and broadcast of the URLs is automatically executed without user intervention. (column 2, lines 23-42) Kunkel's headend server receives and identifies the URL that is associated with a program or advertisement. (column 2, lines 23-42) The URL along with its content are pre-stored in a cache, which is later broadcast to the user. (column 2, lines 35-42) None of these steps is executed with user intervention.

2) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a user profile that resides on the server computer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100